THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.13782 of 2007

Dated 24th July 2007

Between:

V.Susheela

... Petitioner

and

The Govt.of A.P.,rep.by its Secretary,
Revenue, Secretariat, Hyderabad & another

... Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 13782 OF 2007

O R D E R:

Petitioner states that she is the absolute owner and possessor of land admeasuring 267 sq.yards in Sy.Nos.142/4a, 142/4b, 149/1 and 156/2 of Adivivaram village and Mandal, Visakhapatnam District. According to her, she intended to sell the property, and approached the 2nd respondent for registration. The grievance of the petitioner is that the 2nd respondent is not receiving the document, much less admitting it to registration, on the ground that the land in and around Visakhapatnam Rural Mandal is shown as Government land. This writ petition is filed seeking appropriate directions to the respondents, in this regard.

Heard the learned counsel for the petitioner and the learned

Government Pleader for Revenue.

While the Stamp Act stipulates the amount of stamp duty payable on a document, the Registration Act prescribes the procedure to be followed, while admitting a document, to registration. The Registering Authority is not expected to adjudicate upon the title, in relation to the property covered by the document. Recently, the Registration Act has been amended, by introducing Section 22-A, with changed content. The circumstances, under which the Registering Authority can refuse registration, are mentioned in Clauses (a) to (e) of sub-section (1), thereof. Unless and until the property of the petitioner covered by the document, falls into any of those categories, the 2nd respondent cannot refuse registration. In case, he finds that the document cannot be registered, for any reasons, he is under obligation to communicate the same to the petitioner, within a reasonable time.

Hence, the writ petition is disposed of, directing the 2nd respondent, to receive and process the document presented by the petitioner, in accordance with the provisions of the Stamp Act and the Registration Act, as amended through Act 19 of 2007, and take necessary steps, within a period of one week from the date of receipt of the document. In case, the document cannot be registered, he shall communicate the reasons in writing, within that period. There shall be no order as to costs.

24th July 2007

PAN